

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
HEATHER C. MESERVY (223782) (hmeservy@cooley.com)
4401 Eastgate Mall
San Diego, CA 92121
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

COOLEY GODWARD KRONISH LLP
WHITTY SOMVICHIAN (194463) (wsomvichian@cooley.com)
CHANÉE FRANKLIN (236068) (chancee.franklin@cooley.com)
101 California Street 5th Floor
San Francisco, CA 94111
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant eBay, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHELE MAZUR, On Behalf of Herself
and all Others Similarly Situated,

Plaintiff,

v.

EBAY, INC., HOT JEWELRY
AUCTIONS.COM d/b/a JEWELRY
OVERSTOCK AUCTIONS, HOT
JEWELRY AUCTIONS.COM d/b/a
PARAMOUNT AUCTIONS, NEIMANS
JEWELRY, GOANTIQUES.COM, INC., and
DOES 1-100, inclusive,

Defendants.

Case No. C07 3967 MHP

**DEFENDANT eBAY'S ANSWER TO
PLAINTIFFS' THIRD AMENDED CLASS
ACTION COMPLAINT**

Defendant eBay, Inc., ("eBay") answers the Plaintiffs Third Amended Class Action
Complaint ("Complaint") as follows:

NATURE OF THE CASE

1. In answer to paragraph 1, eBay denies all allegations therein as they pertain to
eBay. eBay currently is without sufficient knowledge or information to form a belief as to the

1 truth of the allegations therein as they pertain to defendants Hot Jewelry Acutions.com ("HJA"),
2 Neimans Jewelry ("Neimans"), and GoAntiques, Inc. ("GoAntiques")(collectively "Seller
3 Defendants"), and therefore denies the same.

4 2. In answer to paragraph 2, eBay admits that it has launched an online auction
5 platform known as eBay Live Auctions and that these auctions differ from the standard eBay
6 auction format.

7 3. In answer to paragraph 3, eBay admits the allegations therein.

8 4. eBay admits the allegations of the first sentence of paragraph 4, that eBay Live
9 Auctions allowed Internet bidders to participate in live auctions that are physically held on the
10 floors of auction houses worldwide. eBay denies all other allegations therein.

11 5. In answer to paragraph 5, eBay denies all allegations therein as they pertain to
12 eBay. eBay currently is without sufficient knowledge or information to form a belief as to the
13 truth of the allegations therein as they pertain to the Seller Defendants, and therefore denies the
14 same.

15 6. Paragraph 6 is Plaintiffs' characterization of this action and does not require a
16 response.

17 7. In answer to paragraph 7, eBay denies all allegations therein as they pertain to
18 eBay. eBay currently is without sufficient knowledge or information to form a belief as to the
19 truth of the allegations therein as they pertain to the Seller Defendants, and therefore denies the
20 same.

21 JURISDICTION AND VENUE

22 8. In answer to paragraph 8, eBay does not dispute that this Court has jurisdiction
23 over the subject matter of this action pursuant to 28 U.S.C. § 1332 as amended by the Class
24 Action Fairness Act of 2005. eBay does not dispute that this Court has personal jurisdiction over
25 eBay.

26 9. In answer to paragraph 9, eBay admits that venue is proper in this district pursuant
27 to 28 U.S.C. § 1391(a).

PARTIES

10. In answer to paragraph 10, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Michele Mazur's residence and whether she regularly transacts business on eBay, and therefore denies the same.

11. In answer to paragraph 11, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Sarah Bates' residence and whether she regularly transacts business on eBay, and therefore denies the same.

12. In answer to paragraph 12, eBay admits the allegations therein.

13. In answer to paragraph 13, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore denies the same. eBay denies all other allegations therein.

14. In answer to paragraph 14, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same. eBay denies all other allegations therein.

15. In answer to paragraph 15, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same. eBay denies all other allegations therein.

16. In answer to paragraph 16, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to the Plaintiffs and Does Defendants 101-200, and therefore denies the same. eBay denies all other allegations therein.

CLASS ALLEGATIONS

17. Paragraph 17 sets forth Plaintiffs' proposed class definition and does not require a response.

18. Paragraph 18 sets forth Plaintiffs' conclusions pertaining to class certification which eBay disputes.

19. Paragraph 19 sets forth Plaintiffs' conclusions pertaining to class certification which eBay disputes.

1 website. eBay denies all other allegations therein.

2 35. In answer to paragraph 35, eBay admits that the quoted language appears on its
3 website. eBay denies all other allegations therein.

4 36. In answer to paragraph 36, eBay admits that the quoted language appears on its
5 website. eBay denies all other allegations therein.

6 37. In answer to paragraph 37, eBay admits that the quoted language appears on its
7 website. eBay denies all other allegations therein.

8 38. In answer to paragraph 38, eBay denies all allegations therein.

9 **II. SOME AUCTIONS, INCLUDING ALL AUCTIONS HELD BY SELLER**
10 **DEFENDANTS ARE COMPLETE FRAUDS**

11 39. In answer to paragraph 39, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
13 therefore denies the same.

14 40. In answer to paragraph 40, eBay currently is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
16 therefore denies the same.

17 41. In answer to paragraph 41, eBay currently is without sufficient knowledge or
18 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
19 therefore denies the same.

20 42. In answer to paragraph 42, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
22 therefore denies the same.

23 43. In answer to paragraph 43, eBay admits that Seller Defendants have sold
24 merchandise on eBay Live Auctions during which internet bidders may bid against floor bidders
25 who are offline. eBay denies all other allegations therein.

26 **III. THE DETAILS OF HJA'S FRAUD**

27 44. In answer to paragraph 44, eBay currently is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and

1 therefore denies the same.

2 **45.** In answer to paragraph 45, eBay currently is without sufficient knowledge or
3 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
4 therefore denies the same.

5 **46.** In answer to paragraph 46, eBay denies all allegations as they pertain to eBay.
6 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
7 the allegations pertaining to Defendant HJA, and therefore denies the same.

8 **47.** In answer to paragraph 47, eBay currently is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
10 therefore denies the same.

11 **48.** In answer to paragraph 48, eBay admits that the quoted language appears on its
12 website. eBay denies all other allegations therein.

13 **49.** In answer to paragraph 49, eBay denies all allegations as they pertain to eBay.
14 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
15 the allegations pertaining to Defendant HJA, and therefore denies the same.

16 **50.** In answer to paragraph 50, eBay currently is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
18 therefore denies the same.

19 **IV. THE DETAILS OF NEIMANS' FRAUD**

20 **51.** In answer to paragraph 51, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendants HJA and
22 Neimans, and therefore denies the same.

23 **52.** In answer to paragraph 52, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
25 and therefore denies the same.

26 **53.** In answer to paragraph 53, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendants HJA and
28 Neimans, and therefore denies the same.

1 **54.** In answer to paragraph 54, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
3 and therefore denies the same.

4 **55.** In answer to paragraph 55, eBay denies all allegations as they pertain to eBay.
5 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
6 the allegations pertaining to Seller Defendants, and therefore denies the same.

7 **V. THE DETAILS OF GOANTIQUES'S FRAUD**

8 **56.** In answer to paragraph 56, eBay currently is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
10 therefore denies the same.

11 **57.** In answer to paragraph 57, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Seller Defendants and
13 therefore denies the same.

14 **58.** In answer to paragraph 58, eBay currently is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
16 therefore denies the same.

17 **59.** In answer to paragraph 59, eBay currently is without sufficient knowledge or
18 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
19 therefore denies the same.

20 **60.** In answer to paragraph 60, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
22 and therefore denies the same.

23 **61.** In answer to paragraph 61, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
25 and therefore denies the same.

26 **62.** In answer to paragraph 62, eBay denies all allegations as they pertain to eBay.
27 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
28 the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

1 **63.** In answer to paragraph 63, eBay denies all allegations therein as they pertain to
2 eBay. eBay currently is without sufficient knowledge or information to form a belief as to the
3 truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

4 **64.** In answer to paragraph 64, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
6 and therefore denies the same.

7 **65.** In answer to paragraph 65, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
9 and therefore denies the same.

10 **VI. SELLER DEFENDANTS ARE ENGAGED IN SHILL BIDDING SCHEMES THAT**
11 **EBAY DOES NOTHING TO STOP AND WHICH EBAY PROBABLY EVEN**
12 **COORDINATES**

13 **66.** In answer to paragraph 66, eBay admits that the quoted language appears on its
14 website.

15 **67.** In answer to paragraph 67, eBay currently is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
17 therefore denies the same.

18 **68.** In answer to paragraph 68, eBay currently is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
20 therefore denies the same.

21 **69.** In answer to paragraph 69, eBay denies all allegations as they pertain to eBay.
22 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
23 the allegations pertaining to Seller Defendants, and therefore denies the same.

24 **70.** In answer to paragraph 70, eBay currently is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
26 therefore denies the same.

27 **71.** In answer to paragraph 71, eBay currently is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
therefore denies the same.

1 72. In answer to paragraph 72, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
3 therefore denies the same.

4 73. In answer to paragraph 73, eBay denies all allegations as they pertain to eBay.
5 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
6 the allegations pertaining to Seller Defendants, and therefore denies the same.

7 74. In answer to paragraph 74, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Plaintiffs and Seller
9 Defendants, and therefore denies the same.

10 75. In answer to paragraph 75, eBay currently is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and
12 therefore denies the same.

13 **VII. HOW EBAY PROFITS FROM THIS SCHEME AND WHY THEY DO NOTHING**
14 **TO STOP FRAUDULENT AUCTIONS AND SHILL BIDDING**

15 76. In answer to paragraph 76, eBay admits that eBay Live Auctions has generated
16 income for eBay. eBay admits that eBay typically earns a commission on auctions won by
17 Internet bidders, and that it charges auction houses participating in eBay Live Auctions an amount
18 per catalog.

19 77. In answer to paragraph 77, eBay denies all allegations as they pertain to eBay.
20 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
21 the allegations pertaining to Seller Defendants, and therefore denies the same.

22 78. In answer to paragraph 78, eBay denies all allegations as they pertain to eBay.
23 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
24 the allegations pertaining to Seller Defendants, and therefore denies the same.

25 79. In answer to paragraph 79, eBay denies all allegations as they pertain to eBay.
26 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
27 the allegations pertaining to Seller Defendants, and therefore denies the same.

28 80. In answer to paragraph 80, eBay denies all allegations therein.

1 **81.** In answer to paragraph 81, eBay denies all allegations as they pertain to eBay.
 2 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
 3 the allegations pertaining to Seller Defendants, and therefore denies the same.

4 **82.** In answer to paragraph 82, eBay denies all allegations as they pertain to eBay.
 5 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
 6 the allegations pertaining to Seller Defendants, and therefore denies the same.

7 **83.** In answer to paragraph 83, eBay denies all allegations as they pertain to eBay.
 8 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
 9 the allegations pertaining to Seller Defendants, and therefore denies the same.

10 **84.** In answer to paragraph 84, eBay admits that it has investigated customer
 11 complaints of fraudulent live auctions. eBay denies all other allegations as they pertain to eBay.
 12 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
 13 the allegations pertaining to the Seller Defendants, and therefore denies the same.

14 **85.** In answer to paragraph 85, eBay admits that it has not banned Seller Defendants
 15 from eBay Live Auctions. eBay denies all other allegations as they pertain to eBay. eBay
 16 currently is without sufficient knowledge or information to form a belief as to the truth of the
 17 allegations pertaining to the Seller Defendants, and therefore denies the same.

18 **VIII. DETAILS OF EBAY'S FRAUDULENT MISREPRESENTATION**

19 **86.** In answer to paragraph 86, eBay denies all allegations as they pertain to eBay.
 20 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
 21 the allegations pertaining to Plaintiffs and Seller Defendants, and therefore denies the same.

22 **87.** In answer to paragraph 87, eBay admits that the quoted language appears on its
 23 website. eBay denies all other allegations therein.

24 **88.** In answer to paragraph 88, eBay denies all allegations therein.

25 **89.** In answer to paragraph 89, eBay denies all allegations as they pertain to eBay.
 26 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
 27 the allegations pertaining to Seller Defendants, and therefore denies the same.

28 **90.** In answer to paragraph 90, eBay denies all allegations as they pertain to eBay.

1 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
2 the allegations pertaining to Seller Defendants, and therefore denies the same.

3 **91.** In answer to paragraph 91, eBay denies all allegations as they pertain to eBay.
4 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
5 the allegations pertaining to Seller Defendants, and therefore denies the same.

6 **IX. DEFENDANTS EBAY AND HJA HAVE DEFRAUDED PLAINTIFF MAZUR AND**
7 **COUNTLESS OTHER CLASS MEMBERS**

8 **92.** In answer to paragraph 92, eBay denies all allegations as they pertain to eBay.
9 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
10 the allegations pertaining to Plaintiff Mazur and Defendant HJA, and therefore denies the same.

11 **93.** In answer to paragraph 93, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
13 Defendant HJA, and therefore denies the same.

14 **94.** In answer to paragraph 94, eBay currently is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur, and
16 therefore denies the same.

17 **95.** In answer to paragraph 95, eBay denies all allegations as they pertain to eBay.
18 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
19 the allegations pertaining to Plaintiff Mazur, and therefore denies the same.

20 **96.** In answer to paragraph 96, eBay admits that the quoted language appears on its
21 website. eBay currently is without sufficient knowledge or information to form a belief as to the
22 truth of the allegations pertaining to Plaintiff Mazur, and therefore denies the same.

23 **97.** In answer to paragraph 97, eBay denies all allegations as they pertain to eBay.
24 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
25 the allegations pertaining to Plaintiff Mazur, and therefore denies the same.

26 **98.** In answer to paragraph 98, eBay denies all allegations as they pertain to eBay.
27 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
28 the allegations pertaining to Defendant HJA, and therefore denies the same.

1 **99.** In answer to paragraph 99, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur, and
3 therefore denies the same.

4 **100.** In answer to paragraph 100, eBay denies all allegations as they pertain to eBay.
5 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
6 the allegations pertaining to Defendant HJA, and therefore denies the same.

7 **X. DEFENDANTS EBAY AND NEIMANS HAVE DEFRAUDED PLAINTIFF BATES**
8 **AND COUNTLESS OTHER CLASS MEMBERS**

9 **101.** In answer to paragraph 101, eBay denies all allegations as they pertain to eBay.
10 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
11 the allegations pertaining to Plaintiff Bates and Defendant Neimans, and therefore denies the
12 same.

13 **102.** In answer to paragraph 102, eBay currently is without sufficient knowledge or
14 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates, and
15 therefore denies the same.

16 **103.** In answer to paragraph 103, eBay currently is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates, and
18 therefore denies the same.

19 **104.** In answer to paragraph 104, eBay admits that the quoted language appears on its
20 website. eBay currently is without sufficient knowledge or information to form a belief as to the
21 truth of the allegations pertaining to Plaintiff Bates, and therefore denies the same.

22 **105.** In answer to paragraph 105, eBay denies all allegations as they pertain to eBay.
23 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
24 the allegations pertaining to Plaintiff Bates, and therefore denies the same.

25 **106.** In answer to paragraph 106, eBay denies all allegations as they pertain to eBay.
26 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
27 the allegations pertaining to Defendant Neimans, and therefore denies the same.

28 **107.** In answer to paragraph 107, eBay currently is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates, and
2 therefore denies the same.

3 **108.** In answer to paragraph 108, eBay denies all allegations as they pertain to eBay.
4 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
5 the allegations pertaining to Defendant Neimans, and therefore denies the same.

6 **XI. DEFENDANTS EBAY AND GOANTIQUES HAVE DEFRAUDED PLAINTIFF**
7 **BATES AND COUNTLESS OTHER CLASS MEMBERS**

8 **109.** In answer to paragraph 109, eBay denies all allegations as they pertain to eBay.
9 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
10 the allegations pertaining to Plaintiff Mazur and Defendants Neimans and GoAntiques, and
11 therefore denies the same.

12 **110.** In answer to paragraph 110, eBay currently is without sufficient knowledge or
13 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur, and
14 Defendant GoAntiques, and therefore denies the same.

15 **111.** In answer to paragraph 111, eBay currently is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur, and
17 therefore denies the same.

18 **112.** In answer to paragraph 112, eBay admits that the quoted language appears on its
19 website. eBay currently is without sufficient knowledge or information to form a belief as to the
20 truth of the allegations pertaining to Plaintiff Mazur, and therefore denies the same.

21 **113.** In answer to paragraph 113, eBay denies all allegations therein.

22 **114.** In answer to paragraph 114, eBay denies all allegations as they pertain to eBay.
23 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
24 the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

25 **115.** In answer to paragraph 115, eBay currently is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur, and
27 therefore denies the same.

28 **116.** In answer to paragraph 116, eBay denies all allegations as they pertain to eBay.

1 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
2 the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

3 **XII. DEFENDANTS ARE ENGAGED IN AN ELABORATE SCHEME TO DEFRAUD**
4 **THAT VIOLATES THE RACKETEER INFLUENCED AND CORRUPT**
5 **ORGANIZATIONS ACT**

6 **117.** In answer to paragraph 117, eBay denies all allegations as they pertain to eBay.
7 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
8 the allegations pertaining to Seller Defendants, and therefore denies the same.

9 **118.** In answer to paragraph 118, eBay denies all allegations as they pertain to eBay.
10 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
11 the allegations pertaining to Seller Defendants, and therefore denies the same.

12 **119.** In answer to paragraph 119, eBay denies all allegations as they pertain to eBay.
13 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
14 the allegations pertaining to Seller Defendants, and therefore denies the same.

15 **120.** In answer to paragraph 120, eBay denies all allegations as they pertain to eBay.
16 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
17 the allegations pertaining to Seller Defendants, and therefore denies the same.

18 **121.** In answer to paragraph 121, eBay denies all allegations as they pertain to eBay.
19 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
20 the allegations pertaining to Seller Defendants, and therefore denies the same.

21 **122.** In answer to paragraph 122, eBay denies all allegations as they pertain to eBay.
22 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
23 the allegations pertaining to Seller Defendants, and therefore denies the same.

24 **123.** In answer to paragraph 123, eBay denies all allegations as they pertain to eBay.
25 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
26 the allegations pertaining to Seller Defendants, and therefore denies the same.

27 **124.** In answer to paragraph 124, eBay denies all allegations as they pertain to eBay.
28 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
the allegations pertaining to Seller Defendants, and therefore denies the same.

CAUSES OF ACTION AGAINST EBAY

COUNT 1 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.

(AGAINST EBAY)

125. eBay hereby incorporates by reference its answers contained herein to paragraphs 1 – 124 of the Complaint.

126. Paragraph 126 is Plaintiffs characterization of this action and does not require a response.

127. In answer to paragraph 127, eBay denies all allegations therein.

128. In answer to paragraph 128, eBay denies all allegations therein.

129. In answer to paragraph 129, eBay denies all allegations as they pertain to eBay. eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Seller Defendants, and therefore denies the same.

130. In answer to paragraph 130, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendants HJA and Neimans, and therefore denies the same.

131. In answer to paragraph 131, eBay denies all allegations therein.

132. Paragraph 132 is Plaintiffs' characterization of the law and does not contain direct factual allegations against eBay. As such, no response is required. If a response is necessary, eBay denies all allegations therein.

133. In answer to paragraph 133, eBay denies all allegations therein.

134. In answer to paragraph 134, eBay denies all allegations therein.

135. In answer to paragraph 135, eBay denies all allegations therein.

136. In answer to paragraph 136, eBay denies all allegations therein.

137. In answer to paragraph 137, eBay denies all allegations therein.

138. In answer to paragraph 138, eBay denies all allegations therein.

139. In answer to paragraph 139, eBay denies all allegations therein.

140. Paragraph 140 is Plaintiffs' statement of requested relief and does not require a response.

1 **141.** In answer to question 141, eBay denies all allegations therein.

2 **142.** Paragraph 142 is Plaintiffs' statement of requested relief and does not require a
3 response. If a response is necessary, eBay denies all allegations therein.

4 **COUNT 2 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**

5 **(AGAINST EBAY)**

6 **143.** eBay hereby incorporates by reference its answers contained herein to paragraphs
7 1 – 142 of the Complaint.

8 **144.** Paragraph 144 is Plaintiffs' characterization of the law and does not contain direct
9 factual allegations against eBay. As such, no response is required. If a response is necessary,
10 eBay denies all allegations therein.

11 **145.** In answer to paragraph 145, eBay denies all allegations therein.

12 **146.** In answer to paragraph 146, eBay denies all allegations therein.

13 **147.** In answer to paragraph 147, eBay denies all allegations therein.

14 **148.** Paragraph 148 is Plaintiffs' statement of requested relief and does not require a
15 response.

16 **COUNT 3 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.**

17 **(AGAINST EBAY)**

18 **149.** eBay hereby incorporates by reference its answers contained herein to paragraphs
19 1 – 148 of the Complaint.

20 **150.** Paragraph 150 is Plaintiffs' characterization of this action and does not require a
21 response.

22 **151.** In answer to paragraph 151, eBay admits that the Live Auction service was
23 generally accessible through the internet.

24 **152.** In answer to paragraph 152, eBay denies all allegations therein.

25 **153.** In answer to paragraph 153, eBay denies all allegations therein.

26 **154.** In answer to paragraph 154, eBay denies all allegations therein.

27 **155.** In answer to paragraph 155, eBay denies all allegations therein.

28 **156.** In answer to paragraph 156, eBay denies all allegations therein.

1 **157.** In answer to paragraph 157, eBay denies all allegations therein.

2 **158.** In answer to paragraph 158, eBay denies all allegations therein.

3 **159.** Paragraph 159 is Plaintiffs' statement of requested relief and does not require a
4 response.

5 **COUNT 4 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**

6 **(AGAINST EBAY)**

7 **160.** eBay hereby incorporates by reference its answers contained herein to paragraphs
8 1 – 159 of the Complaint.

9 **161.** Paragraph 161 is Plaintiffs' characterization of this action and does not require a
10 response.

11 **162.** Paragraph 162 is Plaintiffs' characterization of the law and does not contain direct
12 factual allegations against eBay. As such, no response is required. If a response is necessary,
13 eBay denies all allegations therein.

14 **163.** Paragraph 163 is Plaintiffs' characterization of the law and does not contain direct
15 factual allegations against eBay. As such, no response is required. If a response is necessary,
16 eBay denies all allegations therein.

17 **164.** In answer to paragraph 164, eBay denies all allegations therein.

18 **165.** In answer to paragraph 165, eBay denies all allegations therein.

19 **166.** In answer to paragraph 166, eBay denies all allegations therein.

20 **167.** In answer to paragraph 167, eBay denies all allegations therein.

21 **168.** In answer to paragraph 168, eBay denies all allegations therein.

22 **169.** In answer to paragraph 169, eBay denies all allegations therein.

23 **170.** In answer to paragraph 170, eBay denies all allegations therein.

24 **COUNT 5 – VIOLATIONS OF CAL. CIVIL CODE § 1572**

25 **(AGAINST EBAY)**

26 **171.** eBay hereby incorporates by reference its answers contained herein to paragraphs
27 1 – 170 of the Complaint.

28 **172.** Paragraph 172 is Plaintiffs' characterization of this action and does not require a

1 response.

2 173. Paragraph 173 is Plaintiffs' characterization of the law and does not contain direct
3 factual allegations against eBay. As such, no response is required. If a response is necessary,
4 eBay denies all allegations therein.

5 174. In answer to paragraph 174, eBay denies all allegations therein.

6 175. In answer to paragraph 175, eBay denies all allegations therein.

7 176. In answer to paragraph 176, eBay denies all allegations therein.

8 177. In answer to paragraph 177, eBay denies all allegations therein.

9 178. In answer to paragraph 178, eBay denies all allegations therein.

10 179. In answer to paragraph 179, eBay denies all allegations therein.

11 180. Paragraph 180 is Plaintiffs' statement of requested relief and does not require a
12 response.

13 **COUNT 6 – VIOLATIONS OF CAL. CIVIL CODE § 1573**

14 **(AGAINST EBAY)**

15 181. eBay hereby incorporates by reference its answers contained herein to paragraphs
16 1 – 180 of the Complaint.

17 182. Paragraph 182 is Plaintiffs' characterization of this action and does not require a
18 response.

19 183. Paragraph 183 is Plaintiffs' characterization of the law and does not contain direct
20 factual allegations against eBay. As such, no response is required. If a response is necessary,
21 eBay denies all allegations therein.

22 184. In answer to paragraph 184, eBay denies all allegations therein.

23 185. In answer to paragraph 185, eBay denies all allegations therein.

24 186. Paragraph 186 is Plaintiffs' statement of requested relief and does not require a
25 response. If a response is required, eBay denies all allegations therein.

26 **COUNT 7 – BREACH OF CONTRACT**

27 **(AGAINST EBAY)**

28 187. eBay hereby incorporates by reference its answers contained herein to paragraphs

1 1 – 186 of the Complaint.

2 188. Paragraph 188 is Plaintiffs' characterization of this action and does not require a
3 response.

4 189. In answer to paragraph 189, eBay denies all allegations therein.

5 190. In answer to paragraph 190, eBay admits the allegations therein.

6 191. In answer to paragraph 191, eBay denies all allegations therein.

7 192. In answer to paragraph 192, eBay denies all allegations therein.

8 193. In answer to paragraph 193, eBay denies all allegations therein.

9 194. In answer to paragraph 194, eBay denies all allegations therein.

10 195. In answer to paragraph 195, eBay denies all allegations therein.

11 196. Paragraph 196 is Plaintiffs' statement of requested relief and does not require a
12 response.

13 **COUNT 8 – UNJUST ENRICHMENT**

14 **(AGAINST EBAY)**

15 197. eBay hereby incorporates by reference its answers contained herein to paragraphs
16 1 – 196 of the Complaint.

17 198. Paragraph 198 is Plaintiffs' characterization of this action and does not require a
18 response.

19 199. In answer to paragraph 199, eBay denies all allegations therein.

20 200. In answer to paragraph 200, eBay denies all allegations therein.

21 201. Paragraph 201 is Plaintiffs' statement of requested relief and does not require a
22 response.

23 **COUNT 9 – NEGLIGENCE**

24 **(AGAINST EBAY)**

25 202. eBay hereby incorporates by reference its answers contained herein to paragraphs
26 1 – 201 of the Complaint.

27 203. Paragraph 203 is Plaintiffs' characterization of this action and does not require a
28 response.

1 **204.** In answer to paragraph 204, eBay denies all allegations therein.

2 **205.** In answer to paragraph 205, eBay denies all allegations therein.

3 **206.** In answer to paragraph 206, eBay denies all allegations therein.

4 **207.** Paragraph 207 is Plaintiffs' statement of requested relief and does not require a
5 response. If a response is required, eBay denies all allegations therein.

6 **COUNT 10 – NEGLIGENCE PER SE**

7 **(AGAINST EBAY)**

8 **208.** eBay hereby incorporates by reference its answers contained herein to paragraphs
9 1 – 207 of the Complaint.

10 **209.** Paragraph 209 is Plaintiffs' characterization of this action and does not require a
11 response.

12 **210.** In answer to paragraph 210, eBay denies all allegations therein.

13 **211.** In answer to paragraph 211, eBay denies all allegations therein.

14 **212.** In answer to paragraph 212, eBay denies all allegations therein.

15 **213.** Paragraph 213 is Plaintiffs' statement of requested relief and does not require a
16 response.

17 **CAUSES OF ACTION AGAINST HJA**

18 **COUNT 11 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.**

19 **(AGAINST HJA)**

20 **214.** eBay hereby incorporates by reference its answers contained herein to paragraphs
21 1 – 213 of the Complaint.

22 **215.** Paragraph 215 is Plaintiffs' characterization of this action and does not require a
23 response.

24 **216.** In answer to paragraph 216, eBay currently is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur, and
26 therefore denies the same.

27 **217.** In answer to paragraph 217, eBay currently is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and

1 therefore denies the same.

2 **218.** In answer to paragraph 218, eBay currently is without sufficient knowledge or
3 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
4 therefore denies the same.

5 **219.** In answer to paragraph 219, eBay currently is without sufficient knowledge or
6 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
7 therefore denies the same.

8 **220.** In answer to paragraph 220, eBay currently is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
10 Defendant HJA, and therefore denies the same.

11 **221.** In answer to paragraph 221, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
13 Defendant HJA, and therefore denies the same.

14 **222.** Paragraph 222, is Plaintiffs' characterization of the law and does not contain direct
15 factual allegations against eBay. As such, no response is required.

16 **223.** In answer to paragraph 223, eBay currently is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
18 therefore denies the same.

19 **224.** In answer to paragraph 224, eBay currently is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
21 therefore denies the same.

22 **225.** In answer to paragraph 225, eBay currently is without sufficient knowledge or
23 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
24 therefore denies the same.

25 **226.** In answer to paragraph 226, eBay currently is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
27 therefore denies the same.

28 **227.** In answer to paragraph 227, eBay currently is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
2 therefore denies the same.

3 **228.** Paragraph 228, is Plaintiffs' statement of requested relief and does not require a
4 response.

5 **229.** In answer to paragraph 229, eBay currently is without sufficient knowledge or
6 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
7 therefore denies the same.

8 **230.** Paragraph 230, is Plaintiffs' statement of requested relief and does not require a
9 response. If a response is required, eBay currently is without sufficient knowledge or information
10 to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore
11 denies the same.

12 **COUNT 12 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**

13 **(AGAINST HJA)**

14 **231.** eBay hereby incorporates by reference its answers contained herein to paragraphs
15 1 – 230 of the Complaint.

16 **232.** Paragraph 232, is Plaintiffs' characterization of this action and does not require a
17 response.

18 **233.** Paragraph 233, is Plaintiffs' characterization of the law and does not contain direct
19 factual allegations against eBay. As such, no response is required.

20 **234.** In answer to paragraph 234, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
22 therefore denies the same.

23 **235.** In answer to paragraph 235, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
25 therefore denies the same.

26 **236.** In answer to paragraph 236, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
28 therefore denies the same.

1 237. Paragraph 237, is Plaintiffs' statement of requested relief and does not require a
2 response.

3 **COUNT 13 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.**

4 **(AGAINST HJA)**

5 238. eBay hereby incorporates by reference its answers contained herein to paragraphs
6 1 – 237 of the Complaint.

7 239. Paragraph 239, is Plaintiffs' characterization of this action and does not require a
8 response.

9 240. In answer to paragraph 240, eBay currently is without sufficient knowledge or
10 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
11 therefore denies the same.

12 241. In answer to paragraph 241, eBay currently is without sufficient knowledge or
13 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
14 therefore denies the same.

15 242. In answer to paragraph 242, eBay currently is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
17 therefore denies the same.

18 243. In answer to paragraph 243, eBay currently is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
20 therefore denies the same.

21 244. In answer to paragraph 244, eBay currently is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
23 therefore denies the same.

24 245. In answer to paragraph 245, eBay currently is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
26 therefore denies the same.

27 246. In answer to paragraph 246, eBay currently is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and

1 therefore denies the same.

2 **247.** In answer to paragraph 247, eBay currently is without sufficient knowledge or
3 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
4 therefore denies the same.

5 **248.** Paragraph 248, is Plaintiffs' statement of requested relief and does not require a
6 response.

7 **COUNT 14 –VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**

8 **(AGAINST HJA)**

9 **249.** eBay hereby incorporates by reference its answers contained herein to paragraphs
10 1 – 248 of the Complaint.

11 **250.** Paragraph 250, is Plaintiffs' characterization of this action and does not require a
12 response.

13 **251.** Paragraph 251, is Plaintiffs' characterization of the law and does not contain direct
14 factual allegations against eBay. As such, no response is required.

15 **252.** Paragraph 252, is Plaintiffs' characterization of the law and does not contain direct
16 factual allegations against eBay. As such, no response is required.

17 **253.** In answer to paragraph 253, eBay currently is without sufficient knowledge or
18 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
19 therefore denies the same.

20 **254.** In answer to paragraph 254, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
22 therefore denies the same.

23 **255.** In answer to paragraph 255, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
25 therefore denies the same.

26 **256.** In answer to paragraph 256, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
28 therefore denies the same.

1 **257.** In answer to paragraph 257, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
3 Defendant HJA, and therefore denies the same.

4 **258.** In answer to paragraph 258, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
6 therefore denies the same.

7 **259.** In answer to paragraph 259, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
9 therefore denies the same.

10 **260.** Paragraph 260, is Plaintiffs' statement of requested relief and does not require a
11 response.

12 **COUNT 15 – VIOLATIONS OF CAL. CIVIL CODE § 1572**

13 **(AGAINST HJA)**

14 **261.** eBay hereby incorporates by reference its answers contained herein to paragraphs
15 1 – 260 of the Complaint.

16 **262.** Paragraph 262, is Plaintiffs' characterization of this action and does not require a
17 response.

18 **263.** Paragraph 263, is Plaintiffs' characterization of the law and does not contain direct
19 factual allegations against eBay. As such, no response is required.

20 **264.** In answer to paragraph 264, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
22 therefore denies the same.

23 **265.** In answer to paragraph 265, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
25 therefore denies the same.

26 **266.** In answer to paragraph 266, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
28 therefore denies the same.

1 **267.** In answer to paragraph 267, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
3 therefore denies the same.

4 **268.** In answer to paragraph 268, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
6 therefore denies the same.

7 **269.** In answer to paragraph 269, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
9 therefore denies the same.

10 **270.** Paragraph 270, is Plaintiffs' statement of requested relief and does not require a
11 response.

12 **COUNT 16 – VIOLATIONS OF CAL. CIVIL CODE § 1573**

13 **(AGAINST HJA)**

14 **271.** eBay hereby incorporates by reference its answers contained herein to paragraphs
15 1 – 270 of the Complaint.

16 **272.** Paragraph 272 is Plaintiffs' characterization of this action and does not require a
17 response.

18 **273.** Paragraph 273 is Plaintiffs' characterization of the law and does not contain direct
19 factual allegations against eBay. As such, no response is required.

20 **274.** In answer to paragraph 274, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
22 therefore denies the same.

23 **275.** In answer to paragraph 275, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
25 therefore denies the same.

26 **276.** Paragraph 276 is Plaintiffs' statement of requested relief and does not require a
27 response.

28

COUNT 17 – BREACH OF CONTRACT
(AGAINST HJA)

277. eBay hereby incorporates by reference its answers contained herein to paragraphs 1-276 of the Complaint.

278. Paragraph 278 is Plaintiffs' characterization of this action and does not require a response.

279. In answer to paragraph 279, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and Defendant HJA, and therefore denies the same.

280. In answer to paragraph 280, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore denies the same.

281. In answer to paragraph 281, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore denies the same.

282. In answer to paragraph 282, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and Defendant HJA, and therefore denies the same.

283. In answer to paragraph 283, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore denies the same.

284. In answer to paragraph 284, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore denies the same.

285. In answer to paragraph 285, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and therefore denies the same.

286. Paragraph 286 is Plaintiffs' statement of requested relief and does not require a

1 response.

2 **COUNT 18 – UNJUST ENRICHMENT**

3 **(AGAINST HJA)**

4 287. eBay hereby incorporates by reference its answers contained herein to paragraphs
5 1-286 of the Complaint.

6 288. Paragraph 288 is Plaintiffs' characterization of this action and does not require a
7 response.

8 289. In answer to paragraph 289, eBay currently is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
10 therefore denies the same.

11 290. In answer to paragraph 290, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Defendant HJA, and
13 therefore denies the same.

14 291. Paragraph 291 is Plaintiffs' statement of requested relief and does not require a
15 response.

16 **CAUSES OF ACTION AGAINST NEIMANS**

17 **COUNT 19 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.**

18 **(AGAINST NEIMANS)**

19 292. eBay hereby incorporates by reference its answers contained herein to paragraphs
20 1-291 of the Complaint.

21 293. Paragraph 293 is Plaintiffs' characterization of this action and does not require a
22 response.

23 294. In answer to paragraph 294, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates and
25 Defendant Neimans, and therefore denies the same.

26 295. In answer to paragraph 295, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
28 and therefore denies the same.

1 **296.** In answer to paragraph 296, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
3 and therefore denies the same.

4 **297.** In answer to paragraph 297, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
6 and therefore denies the same.

7 **298.** In answer to paragraph 298, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates and
9 Defendant Neimans, and therefore denies the same.

10 **299.** In answer to paragraph 299, eBay currently is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates and
12 Defendant Neimans, and therefore denies the same.

13 **300.** Paragraph 300 is Plaintiffs' characterization of the law and does not contain direct
14 factual allegations against eBay. As such, no response is required.

15 **301.** In answer to paragraph 301, eBay currently is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
17 and therefore denies the same.

18 **302.** In answer to paragraph 302, eBay currently is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
20 and therefore denies the same.

21 **303.** In answer to paragraph 303, eBay currently is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
23 and therefore denies the same.

24 **304.** In answer to paragraph 304, eBay currently is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
26 and therefore denies the same.

27 **305.** In answer to paragraph 305, eBay currently is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,

1 and therefore denies the same.

2 **306.** Paragraph 306 is Plaintiffs' statement of requested relief and does not require a
3 response. If a response is required, eBay denies all allegations therein.

4 **307.** In answer to paragraph 307, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
6 and therefore denies the same.

7 **308.** Paragraph 308 is Plaintiffs' statement of requested relief and does not require a
8 response.

9 **COUNT 20—VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**

10 **(AGAINST NEIMANS)**

11 **309.** eBay hereby incorporates by reference its answers contained herein to paragraphs
12 1-308 of the Complaint.

13 **310.** Paragraph 310 is Plaintiffs' characterization of this action and does not require a
14 response.

15 **311.** Paragraph 311 is Plaintiffs' characterization of the law and does not contain direct
16 factual allegations against eBay. As such, no response is required.

17 **312.** In answer to paragraph 312, eBay currently is without sufficient knowledge or
18 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
19 and therefore denies the same.

20 **313.** In answer to paragraph 313, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
22 and therefore denies the same.

23 **314.** In answer to paragraph 314, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
25 and therefore denies the same.

26 **315.** Paragraph 315 is Plaintiffs' statement of requested relief and does not require a
27 response.

28

COUNT 21 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.
(AGAINST NEIMANS)

316. eBay hereby incorporates by reference its answers contained herein to paragraphs 1-315 of the Complaint.

317. Paragraph 317 is Plaintiffs' characterization of this action and does not require a response.

318. In answer to paragraph 318, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

319. In answer to paragraph 319, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

320. In answer to paragraph 320, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

321. In answer to paragraph 321, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

322. In answer to paragraph 322, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

323. In answer to paragraph 323, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

324. In answer to paragraph 324, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

325. In answer to paragraph 325, eBay currently is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates and
2 Defendant Neimans, and therefore denies the same.

3 **326.** Paragraph 326 is Plaintiffs' statement of requested relief and does not require a
4 response.

5
6 **COUNT 22 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**

7 **(AGAINST NEIMANS)**

8 **327.** eBay hereby incorporates by reference its answers contained herein to paragraphs
9 1-326 of the Complaint.

10 **328.** Paragraph 328 is Plaintiffs' characterization of this action and does not require a
11 response.

12 **329.** Paragraph 329 is Plaintiffs' characterization of the law and does not contain direct
13 factual allegations against eBay. As such, no response is required.

14 **330.** Paragraph 330 is Plaintiffs' characterization of the law and does not contain direct
15 factual allegations against eBay. As such, no response is required.

16 **331.** In answer to paragraph 331, eBay currently is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
18 and therefore denies the same.

19 **332.** In answer to paragraph 332, eBay currently is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
21 and therefore denies the same.

22 **333.** In answer to paragraph 333, eBay currently is without sufficient knowledge or
23 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
24 and therefore denies the same.

25 **334.** In answer to paragraph 334, eBay currently is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
27 and therefore denies the same.

28 **335.** In answer to paragraph 335, eBay currently is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
2 and therefore denies the same.

3 **336.** In answer to paragraph 336, eBay currently is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
5 and therefore denies the same.

6 **337.** In answer to paragraph 337, eBay currently is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
8 and therefore denies the same.

9 **338.** Paragraph 338 is Plaintiffs' statement of requested relief and does not require a
10 response.

11 **COUNT 23 – VIOLATIONS OF CAL. CIVIL CODE § 1572**

12 **(AGAINST NEIMANS)**

13 **339.** eBay hereby incorporates by reference its answers contained herein to paragraphs
14 1-338 of the Complaint.

15 **340.** Paragraph 340 is Plaintiffs' characterization of this action and does not require a
16 response.

17 **341.** Paragraph 341 is Plaintiffs' characterization of the law and does not contain direct
18 factual allegations against eBay. As such, no response is required. If a response is necessary,
19 eBay denies all allegations therein.

20 **342.** In answer to paragraph 342, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
22 and therefore denies the same.

23 **343.** In answer to paragraph 343, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
25 and therefore denies the same.

26 **344.** In answer to paragraph 344, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
28 and therefore denies the same.

1 **345.** In answer to paragraph 345, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
3 and therefore denies the same.

4 **346.** In answer to paragraph 346, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
6 and therefore denies the same.

7 **347.** In answer to paragraph 347, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
9 and therefore denies the same.

10 **348.** Paragraph 348 is Plaintiffs' statement of requested relief and does not require a
11 response.

12 **COUNT 24—VIOLATIONS OF CAL. CIVIL CODE § 1573**

13 **(AGAINST NEIMANS)**

14 **349.** eBay hereby incorporates by reference its answers contained herein to paragraphs
15 1-348 of the Complaint.

16 **350.** Paragraph 350 is Plaintiffs' characterization of this action and does not require a
17 response.

18 **351.** Paragraph 351 is Plaintiffs' characterization of the law and does not contain direct
19 factual allegations against eBay. As such, no response is required.

20 **352.** In answer to paragraph 352, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
22 and therefore denies the same.

23 **353.** In answer to paragraph 353, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
25 and therefore denies the same.

26 **354.** Paragraph 354 is Plaintiffs' statement of requested relief and does not require a
27 response.

28

COUNT 25 – BREACH OF CONTRACT
(AGAINST NEIMANS)

355. eBay hereby incorporates by reference its answers contained herein to paragraphs 1-354 of the Complaint.

356. Paragraph 356 is Plaintiffs' characterization of this action and does not require a response.

357. In answer to paragraph 357, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates and Defendant Neimans, and therefore denies the same.

358. In answer to paragraph 358, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

359. In answer to paragraph 359, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

360. In answer to paragraph 360, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Bates and Defendant Neimans, and therefore denies the same.

361. In answer to paragraph 361, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

362. In answer to paragraph 362, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

363. In answer to paragraph 363, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant Neimans, and therefore denies the same.

364. Paragraph 364 is Plaintiffs' statement of requested relief and does not require a

1 response.

2 **COUNT 26 – UNJUST ENRICHMENT**

3 **(AGAINST NEIMANS)**

4 **365.** eBay hereby incorporates by reference its answers contained herein to paragraphs
5 1-364 of the Complaint.

6 **366.** Paragraph 366 is Plaintiffs' characterization of this action and does not require a
7 response.

8 **367.** In answer to paragraph 367, eBay currently is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
10 and therefore denies the same.

11 **368.** In answer to paragraph 368, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Defendant Neimans,
13 and therefore denies the same.

14 **369.** Paragraph 369 is Plaintiffs' statement of requested relief and does not require a
15 response.

16 **CAUSES OF ACTION AGAINST GOANTIQUES**

17 **COUNT 27 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.**

18 **(AGAINST GOANTIQUES)**

19 **370.** eBay hereby incorporates by reference its answers contained herein to paragraphs
20 1-369 of the Complaint.

21 **371.** Paragraph 371 is Plaintiffs' characterization of this action and does not require a
22 response.

23 **372.** In answer to paragraph 372, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
25 Defendant GoAntiques, and therefore denies the same.

26 **373.** In answer to paragraph 373, eBay currently is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
28 and therefore denies the same.

1 **374.** In answer to paragraph 374, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
3 and therefore denies the same.

4 **375.** In answer to paragraph 375, eBay currently is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
6 and therefore denies the same.

7 **376.** In answer to paragraph 376, eBay currently is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
9 Defendant GoAntiques, and therefore denies the same.

10 **377.** In answer to paragraph 377, eBay currently is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
12 Defendant GoAntiques, and therefore denies the same.

13 **378.** Paragraph 378 is Plaintiffs' characterization of the law and does not contain direct
14 factual allegations against eBay. As such, no response is required.

15 **379.** In answer to paragraph 379, eBay currently is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
17 and therefore denies the same.

18 **380.** In answer to paragraph 380, eBay currently is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
20 and therefore denies the same.

21 **381.** In answer to paragraph 381, eBay currently is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
23 and therefore denies the same.

24 **382.** In answer to paragraph 382, eBay currently is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
26 and therefore denies the same.

27 **383.** Paragraph 383 is Plaintiffs' statement of requested relief and does not require a
28 response.

1 **384.** In answer to paragraph 384, eBay currently is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
3 and therefore denies the same.

4 **385.** Paragraph 385 is Plaintiffs' statement of requested relief and does not require a
5 response.

6
7 **COUNT 28—VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**

8 **(AGAINST GOANTIQUES)**

9 **386.** eBay hereby incorporates by reference its answers contained herein to paragraphs
10 1-385 of the Complaint.

11 **387.** Paragraph 387 is Plaintiffs' characterization of this action and does not require a
12 response.

13 **388.** Paragraph 388 is Plaintiffs' characterization of the law and does not contain direct
14 factual allegations against eBay. As such, no response is required. If a response is necessary,
15 eBay denies all allegations therein.

16 **389.** In answer to paragraph 389, eBay currently is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
18 and therefore denies the same.

19 **390.** In answer to paragraph 390, eBay currently is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
21 and therefore denies the same.

22 **391.** In answer to paragraph 391, eBay currently is without sufficient knowledge or
23 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
24 and therefore denies the same.

25 **392.** Paragraph 392 is Plaintiffs' statement of requested relief and does not require a
26 response.

27
28

COUNT 29 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.
(AGAINST GOANTIQUES)

393. eBay hereby incorporates by reference its answers contained herein to paragraphs 1-392 of the Complaint.

394. Paragraph 394 is Plaintiffs' characterization of this action and does not require a response.

395. In answer to paragraph 395, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

396. In answer to paragraph 396, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

397. In answer to paragraph 397, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

398. In answer to paragraph 398, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

399. In answer to paragraph 399, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

400. In answer to paragraph 400, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

401. In answer to paragraph 401, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

402. In answer to paragraph 402, eBay currently is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
2 Defendant GoAntiques, and therefore denies the same.

3 **403.** Paragraph 403 is Plaintiffs' statement of requested relief and does not require a
4 response.

5 **COUNT 30 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**

6 **(AGAINST GOANTIQUES)**

7 **404.** eBay hereby incorporates by reference its answers contained herein to paragraphs
8 1-403 of the Complaint.

9 **405.** Paragraph 405 is Plaintiffs' characterization of this action and does not require a
10 response.

11 **406.** Paragraph 406 is Plaintiffs' characterization of the law and does not contain direct
12 factual allegations against eBay. As such, no response is required.

13 **407.** Paragraph 407 is Plaintiffs' characterization of the law and does not contain direct
14 factual allegations against eBay. As such, no response is required.

15 **408.** In answer to paragraph 408, eBay currently is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
17 and therefore denies the same.

18 **409.** In answer to paragraph 409, eBay currently is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
20 and therefore denies the same.

21 **410.** In answer to paragraph 410, eBay currently is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
23 and therefore denies the same.

24 **411.** In answer to paragraph 411, eBay currently is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
26 and therefore denies the same.

27 **412.** In answer to paragraph 412, eBay currently is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and

1 Defendant GoAntiques, and therefore denies the same.

2 **413.** In answer to paragraph 413, eBay currently is without sufficient knowledge or
3 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
4 Defendant GoAntiques, and therefore denies the same.

5 **414.** In answer to paragraph 414, eBay currently is without sufficient knowledge or
6 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
7 and therefore denies the same.

8 **415.** Paragraph 415 is Plaintiffs' statement of requested relief and does not require a
9 response.

10 **COUNT 31—VIOLATIONS OF CAL. CIVIL CODE § 1572**

11 **(AGAINST GOANTIQUES)**

12 **416.** eBay hereby incorporates by reference its answers contained herein to paragraphs
13 1-415 of the Complaint.

14 **417.** Paragraph 417 is Plaintiffs' characterization of this action and does not require a
15 response.

16 **418.** Paragraph 418 is Plaintiffs' characterization of the law and does not contain direct
17 factual allegations against eBay. As such, no response is required. If a response is necessary,
18 eBay denies all allegations therein.

19 **419.** In answer to paragraph 419, eBay currently is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
21 and therefore denies the same.

22 **420.** In answer to paragraph 420, eBay currently is without sufficient knowledge or
23 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
24 and therefore denies the same.

25 **421.** In answer to paragraph 421, eBay currently is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
27 and therefore denies the same.

28 **422.** In answer to paragraph 422, eBay currently is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
2 and therefore denies the same.

3 **423.** In answer to paragraph 423, eBay currently is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
5 and therefore denies the same.

6 **424.** In answer to paragraph 424, eBay currently is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
8 Defendant GoAntiques, and therefore denies the same.

9 **425.** Paragraph 425 is Plaintiffs' statement of requested relief and does not require a
10 response.

11 **COUNT 32—VIOLATIONS OF CAL. CIVIL CODE § 1573**

12 **(AGAINST GOANTIQUES)**

13 **426.** eBay hereby incorporates by reference its answers contained herein to paragraphs
14 1-425 of the Complaint.

15 **427.** Paragraph 427 is Plaintiffs' characterization of this action and does not require a
16 response.

17 **428.** Paragraph 428 is Plaintiffs' characterization of the law and does not contain direct
18 factual allegations against eBay. As such, no response is required. If a response is necessary,
19 eBay denies all allegations therein.

20 **429.** In answer to paragraph 429, eBay currently is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
22 and therefore denies the same.

23 **430.** In answer to paragraph 430, eBay currently is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
25 Defendant GoAntiques, and therefore denies the same.

26 **431.** Paragraph 431 is Plaintiffs' statement of requested relief and does not require a
27 response.

28

COUNT 33 – BREACH OF CONTRACT
(AGAINST GOANTIQUES)

432. eBay hereby incorporates by reference its answers contained herein to paragraphs 1-431 of the Complaint.

433. Paragraph 433 is Plaintiffs' characterization of this action and does not require a response.

434. In answer to paragraph 434, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and Defendant GoAntiques, and therefore denies the same.

435. In answer to paragraph 435, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

436. In answer to paragraph 436, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

437. In answer to paragraph 437, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and Defendant GoAntiques, and therefore denies the same.

438. In answer to paragraph 438, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

439. In answer to paragraph 439, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques, and therefore denies the same.

440. In answer to paragraph 440, eBay currently is without sufficient knowledge or information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and Defendant GoAntiques, and therefore denies the same.

441. Paragraph 441 is Plaintiffs' statement of requested relief and does not require a

1 response.

2 **COUNT 34 – UNJUST ENRICHMENT**

3 **(AGAINST GOANTIQUES)**

4 **442.** eBay hereby incorporates by reference its answers contained herein to paragraphs
5 1-441 of the Complaint.

6 **443.** Paragraph 443 is Plaintiffs' characterization of this action and does not require a
7 response.

8 **444.** In answer to paragraph 444, eBay currently is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations pertaining to Plaintiff Mazur and
10 Defendant GoAntiques, and therefore denies the same.

11 **445.** In answer to paragraph 445, eBay currently is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations pertaining to Defendant GoAntiques,
13 and therefore denies the same.

14 **446.** Paragraph 446 is Plaintiffs' statement of requested relief and does not require a
15 response.

16 **CAUSES OF ACTION AGAINST ALL DEFENDANTS**

17 **COUNT 35 – VIOLATIONS OF 18 U.S.C. § 1962(C)**

18 **(AGAINST ALL DEFENDANTS)**

19 **447.** eBay hereby incorporates by reference its answers contained herein to paragraphs
20 1-446 of the Complaint.

21 **448.** Paragraph 448 is Plaintiffs' characterization of this action and does not require a
22 response.

23 **449.** In answer to paragraph 449, eBay denies all allegations as they pertain to eBay.
24 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
25 the allegations pertaining to Seller Defendants, and therefore denies the same.

26 **450.** In answer to paragraph 450, eBay denies all allegations as they pertain to eBay.
27 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
28 the allegations pertaining to Seller Defendants, and therefore denies the same.

1 **451.** In answer to paragraph 451, eBay denies all allegations as they pertain to eBay.
2 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
3 the allegations pertaining to Seller Defendants, and therefore denies the same.

4 **452.** In answer to paragraph 452, eBay denies all allegations as they pertain to eBay.
5 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
6 the allegations pertaining to Seller Defendants, and therefore denies the same.

7 **453.** In answer to paragraph 453, eBay denies all allegations as they pertain to eBay.
8 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
9 the allegations pertaining to Seller Defendants, and therefore denies the same.

10 **454.** In answer to paragraph 454, eBay denies all allegations as they pertain to eBay.
11 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
12 the allegations pertaining to Seller Defendants, and therefore denies the same.

13 **455.** In answer to paragraph 455, eBay denies all allegations as they pertain to eBay.
14 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
15 the allegations pertaining to Seller Defendants, and therefore denies the same.

16 **456.** In answer to paragraph 456, eBay denies all allegations as they pertain to eBay.
17 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
18 the allegations pertaining to Seller Defendants, and therefore denies the same.

19 **457.** In answer to paragraph 457, eBay denies all allegations as they pertain to eBay.
20 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
21 the allegations pertaining to Seller Defendants, and therefore denies the same.

22 **458.** In answer to paragraph 458, eBay denies all allegations as they pertain to eBay.
23 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
24 the allegations pertaining to Seller Defendants, and therefore denies the same.

25 **459.** In answer to paragraph 449, eBay denies all allegations as they pertain to eBay.
26 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
27 the allegations pertaining Plaintiffs and to Seller Defendants, and therefore denies the same.

28 **460.** In answer to paragraph 460, eBay denies all allegations as they pertain to eBay.

1 eBay currently is without sufficient knowledge or information to form a belief as to the truth of
2 the allegations pertaining to Seller Defendants, and therefore denies the same.

3 4 **AFFIRMATIVE DEFENSES**

5 eBay asserts the following separate affirmative defenses to Plaintiffs' Complaint, without
6 assuming the burden of proof on such defenses that would otherwise fall on Plaintiffs. eBay
7 reserves the right to supplement or amend these defenses as discovery is conducted, and does not
8 knowingly or intentionally waive any applicable affirmative defense.

9 **First Defense**

10 The named Plaintiffs, and each and every member of the purported Class, lack standing to
11 bring their claims.

12 **Second Defense**

13 The named Plaintiffs, and each and every member of the purported Class, are barred from
14 recovery, in whole or in part, by the applicable statute of limitations period.

15 **Third Defense**

16 The named Plaintiffs, and each and every member of the purported Class, are barred from
17 recovery, in whole or in part, by the doctrines of waiver, estoppel, laches, and other applicable
18 equitable doctrines.

19 **Fourth Defense**

20 If the named Plaintiffs or any member of the purported Class has been injured or
21 damaged, which eBay denies, the named Plaintiffs, and each and every member of the purported
22 Class, are barred from recovery in whole or in part by their failure to mitigate injury and their
23 failure to mitigate damages.

24 **Fifth Defense**

25 The alleged claims and damages of the named Plaintiffs, and each and every member of
26 the purported Class, which eBay denies, should be reduced and/or offset by any injuries, damages
27 or other harm suffered by eBay as a result of the actions or omissions of the named Plaintiffs, and
28 each and every member of the purported Class.

Sixth Defense

The named Plaintiffs, and each and every member of the purported class, are barred from recovery in whole or in part because the alleged claimants have been accounted for in prior settlements.

PRAYER FOR RELIEF

WHEREFORE, eBay prays as follows:

1. That Plaintiffs take nothing by reason of their Complaint;
2. That judgment be entered thereon in favor of eBay;
3. That the Court award eBay its costs incurred in defense of this action, including attorneys' fees; and
4. That the Court grant such other and further relief as it may deem proper.

Dated: August 15, 2008

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

/s/ Whitty Somvichian

Whitty Somvichian

Attorneys for Defendant eBay Inc.